

REMARKS

Claims 1-37 have been examined, with claims 1-9, 15-19, 21-25, and 27 rejected, claims 10-14, 20, 26, and 28-32 objected to, and claims 33-37 allowed.

Applicant thanks the Examiner for the allowance of claims 33-37 and the indication of allowable subject matter in claims 10-14, 20, 26, and 28-32. In response, Applicant has placed each of claims 10, 20, and 28 in independent form, and has amended independent claim 24 to include the features of allowable claim 26.

The disclosure is objected to because the blanks where the specification cross-references related applications should be filled in. Applicant has amended the specification accordingly.

Claims 1-4, 6, 8, and 21-23 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik (US 2002/0037027). Independent claim 1 is directed to an apparatus for processing data in a spread spectrum system, and independent claim 21 is directed to a method for processing data in a spread spectrum system. Ozcelik is directed to a video decoder for video data. The Examiner asserts in the Office Action that the "spread spectrum" recitation is not given patentable weight because the recitation occurs in the preambles, and the bodies of the claims do not depend on the preambles for completeness. Applicant has therefore amended the bodies of each of independent claims 1 and 21 to replace "data" with "spread spectrum data." Since the bodies of the claims now depend on the preambles for completeness, the "spread spectrum" limitation must be given patentable weight. Since Ozcelik does not teach or suggest spread spectrum data, claims 1-4, 6, 8, and 21-23 are patentable over Ozcelik for at least this reason.

Claims 5 and 7 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Lovinggood et al. (USPN 6,697,603). Claim 9 has been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of McDonough (USPN 5,778,024). Claims 15-17 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Levin (USPN 6,639,906). Claims 18-19 have been rejected under 35 USC 103(a) as being unpatentable over Ozcelik in view of Levin and Brown (USPN 6,650,694). Claims 5, 7, 9, and 15-19 depend on claim

1. The additional references applied against these claims (i.e., Lovinggood, McDonough, Levin, and Brown) fail to make up for the deficiencies of Ozcelik because they do not teach spread spectrum data and/or can not be combined with the video decoder of Ozcelik because Ozcelik is directed to a vastly different art. Claims 5, 7, 9, 15-19 are therefore patentable over the applied references for at least this reason.

Claim 24 has been rejected under 35 USC 103(a) as being unpatentable over Iwakiri (USPN 5,889,815). Claim 25 has been rejected under 35 USC 103(a) as being unpatentable over Iwakiri in view of Laurenti (USPN 6,363,470). Claim 27 has been rejected under 35 USC 103(a) as being unpatentable over Iwakiri in view of McDonough (USPN 5,778,024). Claim 24 has been amended to include the features of allowable claim 26, which has been correspondingly canceled, and thus claim 24 should now be allowable. Claims 25 and 27 depend on claim 24, and thus should also not be allowable.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: June 8, 2005

Respectfully submitted,

By Laura C. Brutman

Laura C. Brutman

Registration No.: 38,395

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant